



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

Case Reference: FTS/HPC/RE/24/5523

8 Inglis Avenue, Port Seaton ("the Property")

Gordon Melrose Sutherland, 30 Forth Court, Port Seaton ("the Applicant")

1. The Applicant submitted an application to the Tribunal in terms of Section 28A of the Housing (Scotland) Act 2006 and Rule 55 of the Tribunal Procedure Rules 2017. The Tribunal issued a request for further information. Although the Applicant had submitted a copy of a letter to the tenant which stated that access was required by the landlord, it also mentioned other issues which were unrelated to the issue of access. Furthermore, the letter did not clearly set out why access was required and did not stipulate a date and time.
2. The Applicant responded but did not provide evidence that the tenant had been properly notified. In response to a further request, the Applicant provided a copy of a letter to the tenant about keeping unauthorised pets at the property and a Notice to leave. The Applicant was given a final opportunity to provide the required document, but has failed to respond.

DECISION

3. The Legal Member considered the application in terms of Rule 5, Rule 8 and Rule 55 of the Chamber Procedural Rules .
4. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met.

(3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment”.

- 5. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “ good reason to believe that it would not be appropriate to accept the application.”**

REASONS FOR DECISION

6. Rule 55 requires a landlord to provide evidence that the tenant has been notified that the landlord wishes to exercise his right of entry. Although the Applicant provided a copy of a letter to the tenant which indicated that he wanted access to the property the letter does not specify when access is required and the purpose of the visit. The Applicant has been given three opportunities to address this failure and has failed to do so. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

What you should do now

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them. Information about the appeal procedure can be forwarded to you on request.

J Bonnar

Josephine Bonnar, Legal Member
13 May 2025